

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IAN M. DOUGHERTY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 3:22-212
	)	Judge Nora Barry Fischer
PENNSYLVANIA BOARD OF PROBATION	)	Magistrate Judge Keith Pesto
AND PAROLE, et al.,	)	
	)	
Respondents.	)	
	)	

**MEMORANDUM ORDER**

AND NOW, this 16th day of January, 2025, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith A. Pesto on June 7, 2023, (Docket No. 11), recommending that the § 2254 habeas petition filed by Petitioner Ian M. Dougherty against the Pennsylvania Board of Probation and Parole, et al., wherein he challenges the denial of parole and seeks release from state custody to parole, be denied, without a certificate of appealability, Petitioner's objections which were timely filed within 14 days as directed by the Magistrate Judge, (Docket No. 13), and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation of December 18, 2024, (Docket No. 11), which is ADOPTED as the opinion of this Court, as supplemented herein,

IT IS HEREBY ORDERED that Petitioner's Objections (Docket No. 13) are OVERRULED;

IT IS FURTHER ORDERED that the Petition (Docket No. 6) is DENIED, for the reasons set forth in the Report and Recommendation. It also appears to the Court from the DOC Inmate Locator that the Petitioner has been released on parole such that the Petition (Docket No. 6) must

be DISMISSED, as moot, *see e.g., Malik v. Warden Loretto FCI*, No. 23-2281, 2024 WL 3649570, at \*2 (3d Cir. Aug. 5, 2024) (“Because Malik had been released to prerelease custody, his request for release to such custody was moot.”); *Lee v. Superintendent Greene SCI*, No. 15-2412, 2016 WL 11786206, at \*1 (3d Cir. Jan. 13, 2016) (denying certificate of appealability to petitioner regarding habeas petition challenging denial of parole because he was released from custody on parole and did not show any collateral consequences such that his petition was moot); *Fitzgerald v. Pennsylvania Board of Probation and Parole*, 2024 WL 4755397, at \*2 (W.D. Pa. Oct. 31, 2024) (“Fitzgerald is no longer incarcerated. He was granted parole in July 2024 and was released to parole in October 2024. Accordingly, there is no relief that this Court can provide to him and this habeas case is now moot.”);

IT IS FURTHER ORDERED that no certificate of appealability shall issue as Petitioner has not made a substantial showing of a denial of a Constitutional right; and,

FINALLY, IT IS ORDERED that the Clerk of Court shall mark this case CLOSED.

*s/Nora Barry Fischer*  
 Nora Barry Fischer  
 Senior U.S. District Judge

cc/ecf: Magistrate Judge Keith A. Pesto

cc: IAN M. DOUGHERTY  
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